

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRACEY GARY,

Plaintiff,

-v-

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES,

Defendant.

08 Civ. 1157 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

For the reasons stated from the bench, see transcript, 6/24/08, plaintiff's Family and Medical Leave Act claim is dismissed with prejudice, as are the purported claims for discrimination on the basis of disability, race and color. The motion to dismiss is, in all other respects, denied. All discovery is hereby stayed until defense counsel can conduct an initial deposition of the plaintiff, not to exceed seven hours, which shall occur no later than July 11, 2008. Thereafter, all other discovery (which may include a further deposition of plaintiff, not to exceed an additional seven hours) shall proceed and be completed in accordance with the existing case management plan.

SO ORDERED.

J. S. Roloff

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
June 25, 2008

